

**ASSEMBLY BILL**

**No. 84**

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**Introduced by Assembly Members Hill, Adams, and Lieu**

December 23, 2008

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An act to amend Section 3019 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 84, as introduced, Hill. Vote by mail ballots.

Existing law sets forth procedures for voting by mail and requires the local elections official to compare the signature on a vote by mail ballot received with the voter's signature that appears on the affidavit of registration. Existing law requires the elections official to establish procedures to track and confirm the receipt of vote by mail ballots that are voted and to make that information available by means of online access using the county's elections division Internet Web site, or, if it has no Internet Web site, then by toll-free telephone number that may be used to confirm the date the ballot was received.

This bill would further require the local elections official to establish a free access system by which a vote by mail voter may find out whether his or her ballot was counted and, if not, the reason why it was not counted, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3019 of the Elections Code is amended  
2     to read:  
3     3019. Upon receipt of the vote by mail ballot the elections  
4     official shall compare the signature on the envelope with that  
5     appearing on the affidavit of registration and, if they compare,  
6     deposit the ballot, still in the identification envelope, in a ballot  
7     container in his or her office. A variation of the signature caused  
8     by the substitution of initials for the first or middle name, or both,  
9     shall not invalidate the ballot. If the ballot is rejected because the  
10    signatures do not compare, the envelope shall not be opened and  
11    the ballot shall not be counted. The cause of the rejection shall be  
12    written on the face of the identification envelope.  
13    If the elections official has compared the signature of the voter's  
14    application with the affidavit pursuant to Section 3009, the  
15    application may be used rather than the affidavit to make the  
16    signature check required by this section.  
17    No ballot shall be removed from its identification envelope until  
18    the time for processing. No ballot shall be rejected for cause after  
19    the envelope has been opened.  
20    In determining from the records of registration if the signature  
21    and residence address on the identification envelope appear to be  
22    the same as that on the affidavit of registration, the elections official  
23    or registrar of voters may use the duplicate file of affidavits of  
24    registered voters or the facsimiles of voters' signatures, provided  
25    that the method of preparing and displaying the facsimiles complies  
26    with the law.  
27    *The elections official shall establish a free access system that*  
28    *allows a vote by mail voter to find out whether his or her vote by*  
29    *mail ballot was counted and, if not, the reason why it was not*  
30    *counted.*  
31    SEC. 2. If the Commission on State Mandates determines that  
32    this act contains costs mandated by the state, reimbursement to  
33    local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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